



AHENSIAN PRUTEKSION LINA'LA GUÅHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

**Guam Environmental Protection Agency
Board of Director's Meeting
Thursday, May 23, 2019 @ 4:13pm
Main Office Conference Room**

MINUTES

- I. **Call to Order:** Chairman Robert Perron called the Board of Director's meeting to order at 4:13 p.m. The following individuals were present at the board meeting: **Board Members:** Robert Perron-*Chairman*, Terry Brooks-*Vice Chairman*, Florida Sanchez, Steve Carrara, Moneka De Oro, Steven Carbullido and Nicholas Pape. **Guam EPA Staff:** Walter S. Leon Guerrero, *Administrator*; Arlene S Acfalle, Connie B Afleje, Kristan Finney, Brian Bearden, Conchita SN Taitano, Nic Rupley, Michelle Lastimoza, Glenn San Nicolas, Roland Gutierrez and Jesse Cruz. **JACOBS Team:** Corey Hinds and Jordan Norris **Guests:** Cyrus Luhr

- II. **Approval of Agenda:** Vice Chair Brooks made a motion to approve the agenda, seconded by Director Carrera. All voted in favor and motion passed.

- III. **Approval of Minutes:** During the review of the minutes a question was asked by Vice-Chairman Brooks regarding the Nova Group and what "sep" were they talking about. Administrator advised the Nova Group are the ones that did the pipeline spill and a "sep" is a supplemental environmental project. So part of the agreement was they were going to pay for the \$70K and the remainder \$19K was to be done by a "sep" however they could not come up with an agreeable "sep" therefore the "sep" was eliminated and the \$19K was eventually paid in cash. Director De Oro asked if the \$19K was the final fine. Administrator advises \$70K + \$19K so \$89K. Administrator then clarified the figures which is \$80K fine + \$19K "sep" totaling \$99K. Chairman asked where the funds were allocated and Administrator advised funding went to HazWaste and Solid Waste.

Director De Oro asked if there is continual testing or the area by GEPA. Administrator advised the HazWaste & Solid Waste team oversaw the cleanup. The Nova group cleaned area until there were no more "ph" petroleum contamination on the ground and the cleanup probably exceeded the 150 gallon spill. Director De Oro inquired on land mass affected. Administrator stated he can't recall but can furnish copies of Nova's entire cleanup for her review. Director De Oro voices her concern in the area as she is a resident of Agana Heights and her son attends Agana Heights Elementary School as well. She's heard of water issues in the area and is not sure if it is from the spill. The Nova Group spent over a million dollars on cleanup.

Director Brooks made motion to approve the minutes seconded by Director Sanchez. All in favor and motion passed.

- IV. **Administrator's Report:** Welcome remarks by Administrator. Introduced our three (3) new Board Members and representatives from JACOB's (who were not present at this time).
- **Administrator** met with Vera Thompson (correction Vera Topasna) from CMCC (Civil Military Coordination Council) the representative for Madam Governor to discuss the military buildup. Madam Governor will meet with the Admiral to initiate the CMCC under her Administration and the actual meeting will be held the following week. Administrator also explained the purpose of CMCC is like a MOU between GovGuam and the military to discuss plans of military buildup. ***Copies of CMCC available upon request***

- **Administrator:** Our Green Parcel/DSMOA Division notified stakeholders regarding HazMac commodities flow study to help us develop our Emergency Response Plan and strategies where we need more resources.
- **Administrator** asked GEPA Team, who were present, to introduce themselves and role in agency for purpose of new Board
- **Other meetings attended:** SERC/LEPC meeting, Coral Reef Resilience Working Group meeting, Layson Consent Decree Status hearing and Emergency Response meetings to name a few.
- **RRF Regulation** – Approved at our continuance meeting. Per Kristan Finney RRF was submitted to AG's office and no updates at this time per Sabrina. Administrator explains what RRF is intended for and Chairman also stated that this is the only fund in the government that is unencumbered and everyone looks at this fund as a steady funding source which prompted the urgency so we can regulate how money can be spent. Director Pape asked if the \$2M "e" is what is left after the "cherry-picking". Administrator clarified \$2.7 - \$3.2M comes directly to GEPA. Director De Oro asked for examples of where the funds have been allocated. Some examples were to Mayor's Council for Recycling and Abandon Vehicles project. Some funds (in the past) went to purchase vehicles for Mayor's for the purpose of Environmental Cleanup Plan. Nic added, since the OPA Audit in 2015 our Agency is resilient in following the recommendations with the expenditures with the RRF statutes. Director Carbullido asked how the funds are allocated and the process. Per Administrator, they will follow the invoices submitted. Director De Oro requested for copy of RRF (provided via email). Conchita spoke about JACOB's and their contract for Recycling, Zero Waste, Food Waste, Cottage Industry and Out Reach Education.
- **Consent Decree** – This is to allow GSWA to initiate operations instead of the receiver. A financial plan was put together to satisfy the federal government that GovGuam could continue to do the long term monitoring of the Ordot dump. Part of the agreement besides how to build the financial plan which included bond buying under GSWA was that GEPA would have to assume direct responsibility of approving the invoices as well as the billable payments for the contractors that are doing the long term monitoring. That was the only way for Guam to get out of the receivership as far as operation goes for solid waste. Administrator agreed to plan and this is added responsibility for agency, but now we are no longer under receivership as of May 1st. GEPA is working closely with Mr. Larry Gast on ongoing SW operational issues. Director Carbullido mentioned for future purposes he will be recusing himself with any items regarding Layson landfill and possibly Ordot dump due to he is AHD and he also works for engineering company that does design and construction management for those two sites.
- **DERP (Defense Environmental Restoration Program) Conference:** Clean up former hazwaste sites. Key topics discusses was PFOA/PFOS drinking water issues. It is an unregulated contaminant so we can't enforce it but it is being addressed. Currently there is only one approved sampling protocol that is allowed and that is for Safe Drinking Water. Testing for ground water, waste water is still being figured out. GWA is being proactive and started doing well head treatment or shutting down wells that they can't put a well head treatment on to avoid exposure to their customer base/ People of Guam.
- **Marine Debris Grant** – EMAS submitted grant Proposal under NOA Marine Debris Grant to remove tire reef near Cocos Lagoon that has been there since 1970's. Cost was \$250K and we got notice last week that we were awarded grant.
- **Earth Day-** GEPA spent the day to clean up Pago bay last month. We filed up 20 cubic yards household trash and 8 cubic yards of recyclables. IBTF is hosting an Island Wide Clean up on June 1st. GEPA cleanup route is from ITC intersection to K-Mart intersection. SW will provide pop-ups, coolers and tables at the open lot near Shell Gas Station (across JFK). Invitation extended to Board of Directors.

V. Old Business:

- **Navy NOV – Notice to Appeal** – This has been acknowledged and will be removed from Old Business.
- **Nova Group, Inc. – Settlement Agreement Status** – Per Kristan to remove from Old Business as this is completed.
- **Safe Drinking Water NOV/ GWA**– per Brian this is closed and will remove from Old Business.
- **Air Force Re: Stipulated Request for Continuance – NOV #2019-001** – Continuance submitted and approved. Negotiations ongoing. No fines at this time but to place them on Notice.
- **PIEC Update: Reported by Conchita**–Full capacity, so far 450 registrants. Measurements for PIEC still ongoing at Bics. List of topics and schedule is available online at piec.com. Director De Oro asked what they have to do

if they have not registered. Per Conchita they can manually register them. Hyatt ballrooms can only accommodate 350 per fire code. Overflow discussion in progress.

- **Status of RRF Approval Process** – Please refer to RRF section under Administrator’s Report.
- **Presentation of Proposed Revision to the Recreational Beach Monitoring Plan: Guam Coastal Waters:** Slide show presented by Jesse. GEPA sends out notifications via our website or social media for businesses and individuals. We would like to update our permanent signs at selective beaches but due to funding and upkeep we have not had signs replaced. Signs needed to be changed manually so it became labor intensive. GEPA looking to have signs updated to matrix code readers or smart code applications. GEPA provides data and information to Public Health and, with our recommendation, only that agency can close beaches. ****Softcopy of slideshow presentation may be furnished upon request****
 - Public Evaluation Draft has been prepared and will be rolled out in July 2019 for public review and comment. Staff will be back in September for full presentation and review and hopefully obtain approval by the board by October.
 - Director De Oro inquired if we do fresh water testing. Jesse advised we do have the standard for it and it can be done, however it became difficult to enter private properties so testing is no longer done. ****Copy of past fresh water testing results may be furnished upon request****
 - Director Pape and Director Carbullido asked questions regarding further expansion of testing from this program and if we have a fact sheet linked to a website as to what the community can do to contribute towards this issue. Administrator, Jesse, and Brian was able to provide answers for clarification.

Director De Oro also inquired about the *Chamorro Orthography* – We have three (3) liaisons who attended the three (3) day training and received Certification. Arlene advised we will include in New Business next meeting due to there is some verbiage that need to be corrected on our current letterhead and such. We will work with Nic-PIO to have these corrected.

- VI. **New Business:** Chairman introduced the three (3) new Board Members, Steven Carbullido, Moneka De Oro and Nicholas Pape, and gave them a chance to introduce themselves.
- VII. **Miscellaneous:** Director De Oro inquired if there is a sustainability plan for this agency. We don’t have one at this time per Administrator. Administrator allowed Corey, representative of our contractor, JACOB’s, to explain their purpose and demonstration projects that we will be able to see during the PIEC. Chairman inquired where they were getting their glass for testing. Currently provided by GSWA. Chairman offered glass that was collected from the hotels.

Details for Relay for Life were provided and invitation was extended to our Board of Directors.

Brian made us aware on several NOV’s that will be presented on the next Board Meeting. Michelle & Glenn had questions regarding lead samples that test positive from faucets. Administrator reiterated that we can only do what is allowable by law and needs to get advice from legal counsel.

- VIII. **New Meeting Date/ Adjournment:** Next meeting set for June 20th at 4pm.
Vice Chairman made motion to adjourn meeting and seconded by Director De Oro. All voted in favor and meeting adjourned at 6pm.

